

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER

This matter is before the Court on Plaintiff's Motion to Appoint Counsel, filed on December 14, 2011 (ECF No. 59).

There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief, whether the plaintiff will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the plaintiff's allegations, and whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering Plaintiff's Motion to Appoint Counsel in view of the relevant factors, the Court finds that the facts and legal issues presented in this case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by Oran A. Caudle indicate that he is capable of presenting the facts and legal issues without the assistance of counsel. Plaintiff's Motion to Appoint Counsel will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Appoint Counsel (ECF No. 59) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff is granted an extension of time of thirty (30) days to respond to Defendants' motion to dismiss and Defendants' motions for summary judgment. Plaintiff shall file any responses by **Monday, January 16, 2012**.

Dated this 15th day of December, 2011.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE